

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG

FILED

MAR - 3 2008

U.S. DISTRICT COURT  
MARTINSBURG, WV 25401

KENNETH RAY SANDERS,

Petitioner,

v.

Civil Action No. 3:07CV106  
(Judge Bailey)

WARDEN JOYCE FRANCIS, U.S. PAROLE  
COMMISSION, FEDERAL BUREAU OF  
PRISONS, and DEPARTMENT OF  
CORRECTIONS,

Respondents.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of Magistrate Judge John S. Kaul [Doc. No. 13], dated October 18, 2007, and the petitioner's Objections [Doc. No. 17] thereto filed on November 1, 2007. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made.

The Court, after reviewing the above, is of the opinion that the Magistrate Judge's Report and Recommendation should be and hereby is **ORDERED ADOPTED**.

Petitioner objects to the magistrate judge's finding that the petitioner has not filed the proper ledger sheets in conjunction with his Prisoner Trust Account Report (PTAR). The petitioner argues that he filed the proper forms with his Motion to Proceed In Forma Pauperis [Doc. No. 2] and again with his Objections [Doc. No. 17]. Petitioner also claims that he did not receive the second notice of deficiency. However, this Court notes that the petitioner did not file the proper ledger sheets when he initially filed his PTAR, nor did he file the appropriate ledger sheets with his Objections. This Court concurs with the

Magistrate Judge's finding that the proper materials have not been filed.

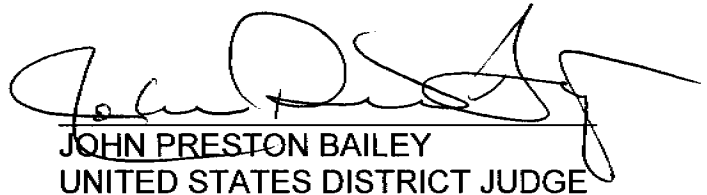
For the foregoing reasons and for the reasons stated in Magistrate Judge Kaul's Report and Recommendation, the Court **ORDERS** that:

1. the petitioner's Petition for Writ of Habeas Corpus be **DISMISSED WITHOUT PREJUDICE**;
2. the petitioner's Motion to Proceed in Forma Pauperis is **DENIED**;
3. the petitioner's Motion for Summary Judgment is **DENIED AS MOOT**.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the plaintiff and all counsel of record.

**DATED:** March 1, 2008.

  
JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE